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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 BILL LIETZKE,

Case No. 3:19-cv-00571-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 COUNTY OF MONTGOMERY, *et al.*,

10 Defendants.  
11

12 Plaintiff Bill Lietzke brings this action under 42 U.S.C. § 1983. Before the Court is  
13 the Report and Recommendation (“R&R” or “Recommendation”) of United States  
14 Magistrate Judge Carla Baldwin (ECF No. 3), recommending that the Court deny  
15 Plaintiff’s *in forma pauperis* application (“IFP Application”), and dismiss this case,  
16 because he was previously declared a vexatious litigant, and did not obtain leave from  
17 the Court before filing this case. Plaintiff had until November 5, 2019 to file an objection.  
18 To date, no objection to the R&R has been filed. For this reason, and as explained below,  
19 the Court adopts the R&R and will dismiss this case.

20 This Court “may accept, reject, or modify, in whole or in part, the findings or  
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
22 timely objects to a magistrate judge’s report and recommendation, then the Court is  
23 required to “make a *de novo* determination of those portions of the [report and  
24 recommendation] to which objection is made.” *Id.* Where a party fails to object, however,  
25 the court is not required to conduct “any review at all . . . of any issue that is not the  
26 subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth  
27 Circuit has recognized that a district court is not required to review a magistrate judge’s  
28 report and recommendation where no objections have been filed. *See United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
2 employed by the district court when reviewing a report and recommendation to which no  
3 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
5 district courts are not required to review "any issue that is not the subject of an objection.>").  
6 Thus, if there is no objection to a magistrate judge's recommendation, then the Court may  
7 accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at  
8 1226 (accepting, without review, a magistrate judge's recommendation to which no  
9 objection was filed).

10 While Plaintiff has failed to object to Judge Baldwin's recommendation to deny  
11 Plaintiff's IFP application and dismiss this case, the Court will conduct a *de novo* review  
12 to determine whether to adopt the R&R. Judge Baldwin found that Judge Mahan  
13 previously deemed Plaintiff a vexatious litigant, requiring him to obtain leave from the  
14 Chief Judge before filing any new case—but he did not do so here—so his case must be  
15 dismissed. (ECF No. 3.) Having reviewed the R&R and the Complaint, the Court agrees  
16 with Judge Baldwin.


17 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
18 No. 3) is accepted and adopted in full.

19 It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF  
20 No. 1) is denied.

21 It is further ordered this case is dismissed in its entirety.

22 The Clerk of Court is directed to enter judgment in accordance with this order and  
23 close this case.

24 DATED THIS 13<sup>th</sup> day of November 2019.

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27 MIRANDA M. DU  
28 CHIEF UNITED STATES DISTRICT JUDGE